

DEC. 29. 2003 4:49PM

513 241 6234

RECEIVED
CENTRAL FAX CENTER

DEC 29 2003

NO. 7928 P. 1

OFFICIAL

WOOD, HERRON & EVANS, L.L.P.

JOHN D. POFFENBERGER
BRUCE TITTEL
DONALD F. FREI
DAVID J. JOSEPHIC
DAVID S. STALLARD
J. ROBERT CHAMBERS
GREGORY J. LUNN
KURT L. GROSSMAN
CLEMENT H. LUKEN, JR.
THOMAS J. BURGER
GREGORY F. AHRENS
WAYNE L. JACOBS
KURT A. SUMME
KEVIN G. ROONEY
KEITH R. HAUPT
THEODORE R. REMAKLUS
THOMAS W. HUMPHREY
SCOTT A. STINEBRUNER
DAVID M. BRINKMAN

OF COUNSEL
THOMAS W. FLYNN

2700 CAREW TOWER
441 VINE STREET
CINCINNATI, OHIO 45202-2917
TELEPHONE: 513-241-2324
FACSIMILE: 513-241-6234
EMAIL: info@whepatent.com
PATENT, TRADEMARK, COPYRIGHT
AND UNFAIR COMPETITION LAW
AND RELATED LITIGATION

EDMUND P. WOOD 1923-1969
TRUMAN A. HERRON 1935-1976
EDWARD B. EVANS 1936-1971

JOSEPH R. JORDAN
C. RICHARD EBY
DAVID E. PRITCHARD

J. DWIGHT POFFENBERGER, JR.
BEVERLY A. LYMAN, PH.D.
KATHRYN E. SMITH
KRISTI L. DAVIDSON
P. ANDREW BLATT, PH.D.
DAVID E. JEFFERIES
WILLIAM R. ALLEN, PH.D.
JOHN PAUL DAVIS
DOUGLAS A. SCHOLER
BRETT A. SCHATZ
DAVID W. DORTON
G. PRABHAKAR REDDY
SARAH OTTE GRABER
LARRY D. MOORE
WESLEY L. STRICKLAND (VA, DC BAR ONLY)
STEVEN W. BENINTENDI, PH.D.

TECHNICAL ADVISORS
HENRY M. LABODA, PH.D.

December 29, 2003

FACSIMILE COVER SHEET

To: Examiner E. Orgad
Group Unit No. 2684
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Fax: 703-872-9306

From: Thomas W. Humphrey
Re: Our File: SYLC-09
US Application Serial No. 09/662,613
Filed September 15, 2000
CELLULAR TELEPHONE SYSTEM
THAT USES POSITION OF A
MOBILE UNIT TO MAKE CALL
MANAGEMENT DECISIONS
Dennison et al.

Pages: 31 (including cover sheet)

MESSAGE/COMMENTS

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence and the enclosures noted herein are being transmitted via facsimile transmission to Examiner E. Orgad, Group Unit No. 2684, Commissioner for Patents, PO Box 1450, Alexandria, VA 22213-1450 at 703-872-9306 on December 29, 2003.

Laura Gokey Koehler 12-29-03
Laura Gokey Koehler Date

Enclosures:

Fax Cover Sheet containing Certificate of Facsimile Transmission
Amendment Transmittal containing Certificate of Facsimile Transmission
Executed Response to Office Action with Authorization to Charge Deposit Account 23-3000
Executed Terminal Disclaimer to Obviate a Double Patenting Rejection (37 CFR 1.321(b))
Executed Information Disclosure Statement with PTO1449 (hard copies of some references to follow via U.S. Mail)

The information in this facsimile message is ATTORNEY-CLIENT PRIVILEGED, WORK PRODUCT and/or CONFIDENTIAL INFORMATION intended only for the use of the individual or entity to whom this message is addressed. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination, distribution or reproduction of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the above address via mail. Thank you.
If transmission is interrupted or of poor quality, please notify us immediately by calling (513) 241-2324 and ask for the sender's

DEC. 29. 2003 4:50PM

513 241 6234

RECEIVED
CENTRAL FAX CENTER

NO. 7928 P. 2

DEC 29 2003

OFFICIAL

PATENT
ATTY. DOCKET NO. SYLC/09

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Dennison et al. Art Unit: 2681
 Serial No. : 09/662,613 Examiner: E. Orgad
 Filed : September 15, 2000
 For : CELLULAR TELEPHONE SYSTEM THAT USES POSITION OF A MOBILE
 UNIT TO MAKE CALL MANAGEMENT DECISIONS

Mail Stop AMENDMENT FEE
 Commissioner of Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

AMENDMENT TRANSMITTAL

1. X Transmitted herewith is a Response to Office Action, Terminal Disclaimer, Information Disclosure Statement and PTO1449.

2. X Small Entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted.

Enclosed is a verified statement to establish Small Entity status

Other than a Small Entity

3. The fee has been calculated as shown below:

(Col. 1)		(Col. 2)		(Col. 3)	SMALL ENTITY		LARGE ENTITY	
Claims Remaining After Amendment		Highest No. Previously Paid For		Extra	Present Rate	Fee	Present Rate	Fee
TOTAL	37	MINUS	20	17	x \$9	\$153	x \$18	\$0
INDEP.	9	MINUS	3	6	x \$43	\$258	x \$85	\$0
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM					+\$145	\$0	+\$290	\$0
TOTALS					TOTAL FEE	\$411	TOTAL FEE	\$0

X Additional fee for claims is required.

4. X Attached is a check in the sum of \$, Please charge my Deposit Account No. 23-3000 in the amount of \$ 411.00 for the excess claims fees and \$ 55.00 for the Terminal Disclaimer Fee.

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence and the enclosures noted herein are being transmitted via facsimile transmission to Examiner E. Orgad, Group Unit No. 2684, Mail Stop Amendment Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22213-1450 at 703-872-9306 on December 29, 2003.

Laura Gokey Koehler
 Laura Gokey Koehler

12-29-03
 Date

5. The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply.

Complete (a) or (b) as applicable.

- (a)____ Applicant petitions for an extension of time under 37 CFR 1.136 for the total number of months checked below:

Extension (months)	Fee for other than <u>small entity</u>	Fee for <u>small entity</u>
____ one month	\$ 110.00	\$ 55.00
____ two months	\$ 420.00	\$210.00
____ three months	\$ 950.00	\$475.00
____ four months	\$1,480.00	\$740.00
____ five months	\$2,010.00	\$1005.00
Extension fee due with this request \$_____.		

If an additional extension of time is required, please consider this a petition therefor. (Check and complete the next item, if applicable)

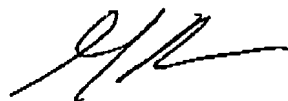
- ____ An extension for ____ months has already been secured and the fee paid thereof of \$____ is deducted from the total fee due for the total months of extension now requested.
Extension fee due with this request \$_____.

OR

- (b) X Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

- X If any additional fee for claims or extension of time is required, charge Account No. 23-3000.

Respectfully submitted,



Thomas W. Humphrey
Reg. No. 34,353
BY: Gregory J. Lunn
Reg. No. 29,945

Wood, Herron & Evans, L.L.P.
2700 Carew Tower
441 Vine Street
Cincinnati, OH 45202-2917
Voice: (513) 241-2324
Facsimile: (513) 241-6234

C

DEC. 29. 2003 4:53PM

513 241 6234

10/20/03
NO. 7928 P. 23
1/5/04
a. j.

PATENT
ATTY. DOCKET NO. SYLC/09

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Dennison et al. Art Unit: 2681
Serial No. : 09/662,613 Examiner: E. Orgad
Filed : September 15, 2000
For : CELLULAR TELEPHONE SYSTEM THAT USES POSITION OF A
MOBILE UNIT TO MAKE CALL MANAGEMENT DECISIONS

Mail Stop IDS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Via Facsimile

INFORMATION DISCLOSURE STATEMENT

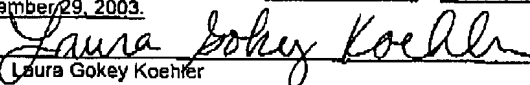
Applicant submits the references listed on the attached form PTO 1449, copies of which are not attached.

Under 35 USC 120, this application relies on the earlier filing date of application serial number 08/848,082 filed March 21, 1996, now U.S. Patent No. 6,324,404. The following references were submitted to and/or cited by the Office in the prior application and, therefore, are not provided in this application: Under US Patents, Items A.B, A.D.-G, A.I, A.K., B.C., B.E.-F., B.H.-K., C.A.-K., D.A.-F., D.H., D.J., E.B., E.D., E.F.-H., E.K., F.D.-H., all Foreign Patents and Other Documents.

This statement is being filed after a first Office action on the merits, but before receipt of a final Office action

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence and the enclosures noted herein are being transmitted via facsimile transmission to Examiner E. Orgad, Group Unit No. 2684, Mail Stop Amendment Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22213-1450 at 703-872-9306 on December 29, 2003.


Laura Gokey Koehler

09/662,613

SYLC/09

or a Notice of Allowance. A fee of \$180.00 in payment of the late submission fee of \$1.17(p) is due and authorization to charge the deposit account is hereby granted.

If any petition for extension of time is necessary to accompany this communication, please consider this paper a petition for such an extension of time, and apply the appropriate extension of time fee to Deposit Account 23-3000. If any other charges or credits are necessary to complete this communication, please apply them to Deposit Account 23-3000.

Respectfully submitted,



Thomas W. Humphrey
Reg. No. 34,353
By: Gregory J. Lunn
Reg. No. 29,945

Wood, Herron & Evans, L.L.P.
2700 Carew Tower
441 Vine Street
Cincinnati, OH 45202-2917

Voice: (513) 241-2324
Facsimile: (513) 241-6234